



City of Phoenix

Stuart Snow
Frequency Manager
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October 10, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, Maryland 20743

RE: City of Phoenix – PRWN Waiver Request – In Re Implementing a Nationwide Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010
PS Docket No. 06-229, WT Docket No. 96-86, Second Report and Order, FCC 07 132 (rel. August 10, 2007) (Second Report and Order).

Dear Sirs:

The City of Phoenix requests that the FCC grant it a waiver of the provisions of paragraph 339 of the referenced Second Report and order of certain narrowband operations. A waiver is requested of the Commission's first sentence in Paragraph 339; *"As an additional measure to clearly define and contain the cost that would be entitled to reimbursement, we prohibit authorization, whether pursuant to individual license or State License, of any new narrowband operations in channels 63 and 68, or in the upper 1 megahertz of channels 64 and 69, as of 30 days following the adoption date of this Second Report and Order."*

The City of Phoenix also requests that the FCC grant it a waiver of the provisions of Paragraphs 339 and 341-342 of the referenced Second Report and Order limiting relocation cost reimbursement to equipment in operation as of August 30th 2007, to allow the City of Phoenix to include in the cost eligible for relocation funding all portable and mobile radios which the City is deploying with 700 MHz state pool frequencies as part of its PRWN Expansion and City of Tempe Transition Project, namely 509 portable and 335 mobile radios.

The City of Phoenix currently uses five State pool licensed 700 MHz frequencies for tactical simplex operations by public safety. The City currently has 6664 portable and 3943 mobile radios programmed to use these frequencies.

The City of Phoenix is also licensed to use three low power mobile only 700 MHz frequencies for testing and evaluating of 8 Digital Vehicle Repeaters for in-building radio coverage of tactical fire operations. The City also anticipates approximately 2000 additional radios from various local agencies being programmed with these frequencies within the next 60 days in support of large regional events scheduled in the Phoenix area for January and February of 2008 including the Fiesta Bowl, Super Bowl, FBR Open and events supporting these activities. All of the above mentioned frequencies fall within the portion of 700 MHz spectrum that is to become broadband. Changing to the new frequencies within the consolidated narrowband spectrum now will force City of Phoenix public safety personnel to operate on two disparate frequency sets.

The City of Phoenix is also under contract with Motorola to construct an additional Project 25 Smart zone simulcast zone for its Phoenix Regional Wireless Network (PRWN). This new 5 site, 14 channel 700 MHz zone is currently under construction with a scheduled cutover date of July 2008, and is part of the PRWN Expansion and City of Tempe Transition Project. The City of Phoenix has authorized Tempe to program its state licensed tactical simplex frequencies into 50 Tempe SWAT handsets to this date. The City of Tempe has agreed to become a regional partner with Phoenix by joining PRWN and must be allowed to deploy its remaining 794 police radios on the new zone with the same set of 700 MHz tactical simplex frequencies as its partner agency or interoperability will be compromised. If this waiver request is not granted, it will cause certain groups of public safety users in the City of Phoenix to be unable to communicate with each other, with their regional partners and with other outside agencies. It will also delay continued testing of the Digital Vehicle Repeaters for fire scene tactical operations. Both possibilities present serious safety issues for City of Phoenix police officers, fire fighters and citizens.

Also, while the FCC's order permits public safety agencies to place 700 MHz equipment into operation on the consolidated narrowband blocks after the August 30th, 2007 deadline, funding has not been provided for the reconfiguration of equipment currently operating in the re-banded frequencies. If the City of Phoenix were to comply with the order, equipment installed before August 30th would not be compatible with equipment installed after this date.

The City of Phoenix has been unable to abide by the FCC's order to operate only on the new narrowband frequency blocks as of August 30th. This would have required the City to cease all radio installations and created a serious officer and citizen safety situation. The City of Phoenix requests relief from the FCC's order under this waiver request and respectfully requests that the FCC reconsider the effect of enforcing a fixed date on 700 MHz projects already in deployment. The City requests that it be allowed to continue deploying 700 MHz equipment on the original narrowband frequency blocks to allow compatibility between all equipment on the PRWN system until the 700 MHz plan has been defined and funded. This will allow the City to migrate its equipment to the new narrowband channel blocks in an organized and safe manner.

The City of Phoenix agrees to certify all contracted 700 MHz equipment on the PRWN system by the October 23rd, 2007 deadline. The City also requests that it be allowed to perform its 700 MHz and 800 MHz re-banding together by the earlier of January 31, 2009, the 700 MHz relocation date established by the National Public Safety Broadband Licensee in conjunction with the commercial partner, or the earlier of any 800 MHz re-banding requirements.

In support of this waiver The City of Phoenix is including documentation of subscriber quantities and evidence of signed contracts for subscriber purchases and the PRWN Expansion and Tempe Transition Project.

The City of Phoenix is currently in the process of expanding its regional system and will simultaneously be supporting several high profile public events in the near future. The security of our public safety operations is of the highest importance, thus we respectfully request that this waiver request be acted upon in a prompt and favorable manner.

If you have further questions concerning this waiver please contact John Gardner (Wireless Systems Manager) at 602-262-6963 or john.gardner@phoenix.gov

Sincerely

CITY OF PHOENIX
PHOENIX REGIONAL WIRELESS NETWORK

By: 
Stuart E. Snow
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SES

cc: Derek Poarch, Policy Division, Public Safety and Homeland Security Bureau
Dana Shaefer, Policy Division, Public Safety and Homeland Security Bureau